

APR 25 1991

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CERTIFIED MAIL--
RETURN RECEIPT REQUESTED

Mr. James R. Moffett
Chief Executive
Freeport-McMoRan, Inc.
1615 Poydras Street
New Orleans, LA 70112

Re: Request for Information Pursuant to Section 104(e) of CERCLA
Walton's Farm Site
Delran Township, Burlington County, New Jersey

Dear Mr. Moffett,

It is the purpose of this letter to request information concerning the transport of hazardous substances and/or hazardous wastes by your company to the aforementioned Walton's Farm Site.

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. §9601 et seq., as amended. EPA also regulates the handling of hazardous waste under the Solid Waste Disposal Act, 42 U.S.C. §6901 et seq., as amended by the Resource Conservation and Recovery Act ("RCRA") and other laws.

EPA has documented the release of hazardous substances into the environment at the Walton's Farm Site (the "site"), located in Delran Township, Burlington County, New Jersey. The EPA has documents in its possession indicating that Freeport-McMoRan Inc. may have information relating the disposal of waste materials at the Walton's Farm site.

Section 104(e)(2) of CERCLA, 42 U.S.C. §9604(e)(2), allows EPA to request information from you and/or your company relating to the nature and quantity of materials which may have been generated, treated, stored, disposed of at or transported to the Walton's Farm Site. Section 3007 of the RCRA, 42 U.S.C. §6927, also allows EPA to request certain information from parties who handle hazardous waste materials.

Your response to this Request for Information must be postmarked within 21 calendar days of your receipt of this letter. It should be mailed to Donald R. Graham, ERRD-RAB, U.S. Environmental Protection Agency, 2890 Woodbridge Avenue, Edison,

New Jersey 08837 with a copy sent to Patricia C. Hick, Esq., Assistant Regional Counsel, U.S. Environmental Protection Agency, 26 Federal Plaza, Room 309, New York, New York 10278.

Your response to this Request for Information is mandatory. Failure to respond within the time specified above may subject you to an enforcement action under section 3008 of RCRA, 42 U.S.C. §6928, and sections 104 and 113 of CERCLA, 42 U.S.C §§9604 and 9613. Enforcement action may include the assessment of penalties of up to \$25,000.00 per day for each day of continued noncompliance.

Your notarized signature must appear on the enclosed Certification of Answers page in the attached questionnaire. Be advised that you are under a continuing obligation to supplement your response if information not known or not available to you as of the date of submittal of your response should later become known or available to you. Moreover, should you find, at any time after the submittal of your response, that any portion of the submitted information is incorrect, you are under an obligation to notify EPA as soon as possible. If any of the responses to the attached questionnaire are found to be untrue, both the signatory and the company may be subject to criminal prosecution in addition to the civil penalties noted above.

The company may, if it so desires, assert a business confidentiality claim covering any or all of the information requested herein. The claim may be asserted by placing on or attaching to the information a cover sheet, stamped or typed legend or other suitable form of notice employing language such as "trade secret" or "company confidential" or "proprietary." Information covered by such a claim will be disclosed by EPA only in accordance with and by means of procedures set forth in 40 CFR Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

If you have any further questions about this letter, please contact Mr. Graham of the Emergency & Remedial Response Division at (201) 321-4345 or Ms. Hick in the Office of Regional Counsel at (212) 264-8925. Inquiries from attorneys should be directed to Ms. Hick.

I urge you to give this matter your immediate attention.

Sincerely yours,

Kathleen C. Callahan, Director
Emergency & Remedial Response Division

bcc: Graham, ERRD-RAB ✓
Hick, ORC

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EPA REQUEST FOR INFORMATION
Walton's Farm Site

INSTRUCTIONS

In responding to this Request for Information, the following instructions apply.

1. A separate response should be given for each question and each answer should be preceded by number of the question to which it is addressed.
2. For each question, identify all sources of information used in answering it.
3. Interpret "and" as well as "or" to include within the scope of the question as much information as possible. If two interpretations are possible, use the one that provides more information.
4. If you are unable to give a detailed and complete answer or to provide any of the information or documents requested, indicate the reason for your inability to do so.
5. If you have reason to believe that an individual other than an one employed by your company may be able to provide additional details or documentation in response to any question, state that person's name, last known work and home address, telephone number, and the reasons for your belief.
6. Provide all documents that relate to each question. "Document" as used herein means any record of information in tangible form, including memoranda, handwritten notes, invoices, checks, manifests, tape recordings, computer data bases or any tangible or physical objects however produced or reproduced upon which words or other information are affixed or recorded or from which by appropriate transcription written matter or a tangible thing may be produced.
7. For each document produced in response to the Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.
8. If a document is not available, state where it is stored or maintained and why it is unavailable. To the best of your ability, identify the author by name and job title, describe the subject matter of the document, and state the date, number of pages, and all recipients of the document with their addresses.

9. If anything is omitted from a document produced in response to the Request for Information, state the reason for and the subject matter of the omission.
10. As used herein, the terms "hazardous substance", "release", "facility" and "person" shall have meanings set forth in Sections 101(14), (22), (9) and (21) of CERCLA, 42 U.S.C. Section 9601(14), (22), (9) and (21), respectively.
11. As used herein, the term "hazardous waste" shall have the meaning set forth in Section 1004(5) of RCRA, 42 U.S.C. §6903(5).
12. The terms "any waste material" or "any industrial waste material" means solid, liquid or sludge materials or any mixtures thereof which possess any of the following characteristic:
 - a. it contains one or more "hazardous substances" (at any concentration) as defined in 42 U.S.C. §9601(14);
 - b. it is a "hazardous waste" as defined in 42 U.S.C. §6904;
 - c. it has a pH less than 2.0 or greater than 12.5;
 - d. it reacts violently when mixed with water;
 - e. it generates toxic gases when mixed with water;
 - f. it ignites or explodes;
 - g. it is an industrial intermediate waste product;
 - h. it is an industrial treatment plant sludge or supernatant;
 - i. it is an industrial byproduct having some market value;
 - j. it is coolant water or blow down waste from a coolant system;
 - k. it is a spent product which can be reused after rehabilitation;
 - l. it is any material which you have reason to believe would be toxic if either ingested, inhaled or placed contact with your skin;
 - m. it is a solvent;
 - n. it is contaminated oil or some other petroleum based liquid or mixture; or
 - o. it is a liquid or sludge mixture containing any metals or metallic compounds.

The term "waste material" does not include domestic or office refuse or garbage, tree stumps, vegetation, and construction debris. Therefore, information concerning these specific waste products can be omitted from this questionnaire.

13. The term "your company" and similar terms shall mean you and all past and present employees of your company unless

its meaning is otherwise explicitly redefined in any specific question.

14. The terms "Walton's Farm Site", "Walton's Farm Property," "the Site," and similar terms mean the real property currently owned by Rudolph C. and Nancy Camishion located on lot 16, Block 119 on the Tax Assessment Map for Delran Township, Burlington County, New Jersey. A map indicating the location of the site is shown as Attachment A.
15. The term "Moorestown facility" means the real property which is located at 332 New Albany Road, Moorestown, New Jersey and which consists of Lots 21E, 21F, 21L, and 21A.1 in Block 202 and Lots 4, 4A, and 5A in Block 214 on the Tax Assessment Map for Moorestown Township, New Jersey, on which the Micronizer Company, a wholly-owned subsidiary of Freeport Sulphur Company, conducted chemical processing activities until the property was sold in or about 1949.
16. In answering these questions, every source of information to which your company has access should be consulted, regardless of whether the source is in your company's immediate possession or control. All documents or other information, including records of all types of manufacturing, treatment, transportation or disposal operations, in the possession of your company and your company's parent corporations, affiliates, subsidiaries, divisions, experts or consultants should be consulted.
17. Sign and notarize the Certification Statement where indicated and then send the original completed signed copy of this questionnaire and all other information requested herein to the addressees indicated in the cover letter. This final package must consist of the following:
 - a. All questions answered appropriately;
 - b. The Certification Statement signed by an appropriate corporate official and notarized.

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REQUEST FOR INFORMATION

1.
 - a. State the correct legal name of your company.
 - b. State the names and addresses of the president and/or the chairman of the board, or other presiding officers of your company.
 - c. Identify the state of incorporation of your company and your company's agents for service of process in the state of incorporation and in New Jersey.
2. List all subsidiaries, affiliates, and parent companies of your company that have existed at any time since 1940. Include the names, addresses, place of incorporation of these parent, affiliate or subsidiary companies, as well as the names and addresses of the agent for service of process in New Jersey for those companies still in existence. Include in this list the Micronizer Company, Micronizer Processing Incorporated, Freeport Sulphur Company, and Freeport Minerals Company.
3. Please state whether your company or any of the companies listed in response to Question 2 currently or in the past have owned, operated, leased or maintained real property in Moorestown, New Jersey. Provide all relevant documentation, including leases, deeds or other materials which relate to such premises. Include in this answer the chemical processing activities conducted by the Micronizer Company at its Moorestown facility until that facility was sold in or about 1949.
4. Please describe the operations at the Moorestown, New Jersey processing facility prior to its sale.
5. What materials were generated, purchased, used, and/or handled at the Moorestown, New Jersey facility?
 - a. During what years did your company generate, purchase, use, and/or handle these materials?
 - b. What was the volume of these materials generated, purchased, used and/or handled by your company on an annual basis?
6. If material was disposed of somewhere other than on-site at the Moorestown, New Jersey facility, please provide the following information:
 - a. names of all companies and facilities which you used to ship waste material off-site;
 - b. a description of the waste materials involved,

including specific types, total volumes, and general characteristics of the material shipped off-site;

- c. the location of the disposal site to which the material was shipped; and
 - d. the dates/years such shipments occurred.
7. List the names of all employees of your company who were responsible for arranging for off-site waste disposal at any time within the scope of their employment for your company at the Moorestown facility.
8. Identify any other person (including a company, individual, partnership, etc.) having knowledge of the facts relating to the generation and/or disposal of hazardous substances, hazardous wastes and/or "CERCLA waste material" identified in response to questions above in regard to the Moorestown facility. For each person identified, provide the information requested in Instruction 5.
9. Provide a copy of each document which relates to the disposal of all hazardous substances, hazardous wastes and/or "CERCLA waste material" identified in response to questions above in regard to the Moorestown facility. If you are unable to provide a copy of any document, then provide the information requested in Instruction 8.
10. Submit a copy of any lease, contract, permit or other written agreement relating to the generation, handling, transport and/or disposal of all hazardous substances, hazardous wastes and/or "CERCLA waste material" at your company's Moorestown, New Jersey facility.
11. Has any employee or agent of your company's Moorestown facility ever disposed or transported or arranged for the disposal or transportation of any of the following materials at the Walton's Farm Site:
- | | Yes | No |
|--|-----|-----|
| a. any hazardous waste? | ___ | ___ |
| b. any hazardous substance? | ___ | ___ |
| c. any highly corrosive, volatile or ignitable material? | ___ | ___ |
| d. any liquids of any type? | ___ | ___ |
| e. any solid material of any type? | ___ | ___ |
| f. any sludges of any type? | ___ | ___ |
| g. any pesticides, pesticide wastes, byproducts or mixtures? | ___ | ___ |
| h. any pharmaceuticals, pharmaceutical waste byproducts or mixtures? | ___ | ___ |
| i. any other chemicals, chemical waste or byproducts? | ___ | ___ |
| j. any off-spec products? | ___ | ___ |
| k. any mixtures containing metals of any type? | ___ | ___ |

1. any material in or poured from bags or containers? _____
- m. any waste material of any type? _____
- n. any material of any type? _____
12. If any of the answers to the inquiries in question 8 is "yes" please answer the following:
- a. Estimate the total amount of that waste material generated by your company which was disposed or treated at the Site by filling in the information requested below. If the answer for any of these items is zero, write "none" on the line provide.
- Liquid waste: _____ gal.
- Waste in solid form: _____ pounds
- Total No. of Truckloads to Site: _____
- Total volume of waste to Site: _____
- Total weight of waste to Site: _____ pounds
- List the years your company disposed of material at the Site: _____
- b. details concerning transportation of materials to the site;
- c. dates/years during which the activity occurred; and
- d. any other information, including names of people having information, regarding the disposal or transportation.
13. Did you dispose of material for any other companies at the Walton's Farm Site? If so, please answer the following:
- a. the names of the companies for which material was disposed;
- b. details concerning the transportation of the materials to the site;
- c. dates/years during which the activity occurred;
- d. names of persons within the companies who were contacted by agents or employees of your company in relation to the activities; and
- e. any other information, including names of people having information, regarding the disposal or transportation.
14. Do you have any reason to believe that any material of any type generated or possessed by or located at your company's Moorestown facility was ever disposed of at the Walton's Farm Site? If so, please provide the following:

- a. details concerning disposal of materials at the site;
 - b. quantities and types of material disposed;
 - c. dates/years during which disposal occurred; and
 - d. any other information, including names of people having information, regarding this question
15. Do you have information that any material from other facilities were disposed of at the Walton's Farm Site? If so, please provide the following:
 - a. details concerning disposal of materials at the site;
 - b. quantities and types of material disposed;
 - c. dates/years during which disposal occurred; and
 - d. any other information, including names of people having information, regarding this question.
16. What relationship did your company's Moorestown facility have with Mr. Henry Walton?
 - a. Was Mr. Walton ever employed by your company at the Moorestown facility?
 - b. If so, in what capacity?
 - c. Was part of Mr. Walton's job with the facility disposal of waste products?
17. Did any employee ever contact Henry Walton regarding disposal of above-mentioned waste products at the Site or anywhere else? If so, please provide the following:
 - a. details concerning the arrangements made for disposal;
 - b. quantities and types of material disposed;
 - c. dates/years during which disposal occurred; and
 - d. any other information, including names of people having information, regarding this question.
18. Please supply any additional information which may help EPA to identify sources who disposed of hazardous substances, hazardous wastes and/or "CERCLA waste material" at the Site.
19. State the name(s) address(es), telephone number(s) title(s) and occupation(s) of the person(s) answering this

"Request for Information" and state whether such person(s) has personal knowledge of the answers. In addition, identify each person who assisted in any manner in responding to the "Request for Information" and specify the question to which each person assisted in responding.

20. At your option, provide on a separate sheet of paper any other information which you feel would clarify waste disposal or treatment practices at the Site by your company or any other industries or haulers which used the site for industrial or chemical waste disposal or treatment.

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EPA Request for Information
Walton's Farm Site

CERTIFICATION OF ANSWERS TO THE REQUEST FOR INFORMATION

I hereby affirm and certify under penalty of perjury that the following facts are true to the best of my knowledge and belief:

- a. That I have personally examined and am familiar with all the information provided herein in response to the EPA Request for Information;
- b. That all the answers contained herein are true, complete, and accurate to the best of my information and belief; and
- c. That in the preparation of the responses contained herein, I have contacted and discussed the issues contained in the EPA Request for Information with all present and former employees and agents of the company whom I have reason to believe may have been familiar with any information concerning the Walton's Farm Site and with any of the issues and questions contained in this Request.

I am aware that substantial fines and penalties, including imprisonment, exist for submitting false, misleading, or inaccurate information in response to this Request for Information.

Name (of Corporate Officer)

Title

Address

Signature

Date

()

Phone Number

Notary: _____

My commission expires: _____